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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,164	04/27/2001	Ryan Robertson	35451/126 (3623.Palm)	1779

26371 7590 03/29/2007

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EXAMINER	
CONTEE, JOY KIMBERLY	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/844,164	ROBERTSON ET AL.	
	Examiner	Art Unit	
	Joy K. Contee	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-10,12-17 and 21-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/04/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/7/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 2-10,12-17,21-32 have been considered but are moot in view of the new ground(s) of rejection.

However, Examiner notes that Boling et al. (US Pub. No. 2006/0003809), previously used below as the secondary reference in a rejection under 35 USC 103. Also, it is noted that Curatolo et al. (US Pub. No. 2005/0136912) is used below as the primary reference. Applicant argued in the remarks filed 3/7/07 that Curatolo is not available as prior art based on the various continuation-in-part applications that are related, which may not contain pertinent subject matter. However, Curatolo also has a provisional application No. 60/127,028 filed 3/31/99, which is the effective filing of Curatolo making it acceptable prior art.

Further, Applicant argues that Curatolo does not teach or suggest a GUI coupled to a processor and that PDA's do not inherently have GUIs. Examiner disagrees. In defense, Examiner points to Applicant's own specification on page 4, describes and

exemplary embodiment of the present invention (referencing Fig. 1) wherein a handheld computer is depicted, such as a PDA, e.g., "Palm style computers" which have an GUI (see page 4 of Specification, [0015-0017]). Examiner has read a palm styled computer, such as described in the disclosure to be analogous to Curatolo's PDA.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2,3,6,7,14,21 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo et al. (Curatolo), U.S. Pub No. 2005/0136912, in view of Boling et al. (Boling), U.S. Patent No. US 2006/0003899, both previously used.

Regarding claims 6,7,14,21,30,31,32, Curatolo discloses a handheld computing device (reads signaling unit securely attached or incorporated within or embedded into a material asses or personal asset, such as a laptop or notebook computer or PDA or pocket PC, see page 4 [0051]) comprising:

an housing (reads signaling unit securely attached or incorporated within or embedded into a material asses or personal asset, such as a laptop or notebook computer or PDA or pocket PC, see page 4 [0051]) ;

a processor supported by the housing (reads signaling unit securely attached or incorporated within or embedded into a material asses or personal asset, such as a

laptop or notebook computer or PDA or pocket PC, or cellular phone, see page 3 [0040] and page 4 [0051]);

a wireless telephony device coupled to the processor (reads signaling unit securely attached or incorporated within or embedded into a material asses or personal asset, such as a laptop or notebook computer or PDA or pocket PC, or cellular phone, see page 3 [0040] and page 4 [0051]);

a display having a graphical user interface coupled to the processor (reads signaling unit securely attached or incorporated within or embedded into a material asses or personal asset, such as a laptop or notebook computer or PDA or pocket PC, or cellular phone, see page 3 [0040] and page 4 [0051]); and

a plurality of input keys (page 3 [0041]), wherein the device is programmed to effectuate a predetermined communications connection when a user to depress two or more keys simultaneously (page 3 [0041]).

However, Curatolo fails to explicitly disclose wherein the device effectuates the predetermined communications connection when the wireless telephony device (and the state of any software operating on the device) is powered on and off (and a non-communications mode or a communications mode).

In a similar field of endeavor, Boling discloses wherein the device effectuates the predetermined communications connection when the wireless telephony device (and the state of any software operating on the device) is powered on and off (and a non-communications mode or a communications mode) (page 1 [0013-0014]).

At the time of the invention it would have been obvious to one of ordinal skill in the art to modify Curatolo to include effectuating a predetermined communication when the communication device is powered on and off in case of an emergency situation as described in Boling.

Regarding claim 2, the combination of Curatolo and Boling disclose the handheld computing device of claim 7. Boling further discloses wherein the predetermined communications connection is effectuated by dialing a predetermined telephone number (e.g., to remote security station) (page 4 [0047]).

Regarding claim 3, the combination of Curatolo and Boling discloses the handheld computing device of claim 7, wherein the predetermined number is the number for an emergency service (see Boling , (page 4 [0047]).

5. Claims 8,11,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo and Boling, in view of Hess, U.S. Patent No. 5,777,551, previously used in office action.

Regarding claims 8 and 15, the combination of Curatolo and Boling disclose the handheld computing device of claims 7 and 14 but fails to explicitliy disclose, wherein the device calls the emergency service by dialing 9-1-1.

In a similar field of endeavor, Hess discloses wherein the device calls the emergency service by dialing 9-1-1 (i.e., reads on call forwarded to 91 1 office) (see Hess, col. 4, lines 37-46).

At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify the combination to include dialing "9-1-1" to contact emergency services for the purpose of providing an additional direct access to emergency personnel.

6. Claims 4,12,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo and Boling, in view of Yasuda et al. ("Yasuda"), U.S. Patent No. 5,901,365, previously used.

Regarding claims 4,12 and 24, Boling and Curatolo disclose the handheld computing device of claims 7,14 and 21, respectively. The combination fails to explicitly disclose, wherein the user must depress and hold the two or more input keys (or a single key) for greater than one second (or at least one second) to effectuate the predetermined communications connection.

In a similar field of endeavor, Yasuda provides evidence of receiving an affirmative result for a key depression of a period of one second or more (col. 3, lines 27-33 and lines 51-56).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include an extended key depression for an emergency call for the purpose of providing an affirmative result as to decrease false alarms.

7. Claims 5,13 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo and Boling, in view of Asari et al. ('Asari"), U.S. Patent No. 6,031,470, previously used.

Regarding claims 5, 13 and 23, the combination of Curatolo and Boling disclose the handheld computing device of claims 7,14 and 21, respectively.

The combination does not explicitly disclose, wherein the user must depress four input keys simultaneously to effectuate the predetermined communications connection.

In a similar field of endeavor, Asari provides evidence in a wireless means for plural key operation (i.e., up to four keys) (col. 6, lines 55-59), wherein said keyboard realizes a variety of key operation forms or modes based on simultaneous operation öf large number of keys (col. 1, lines 50-59).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify the combination of Curatolo and Boling to include plural key operation up to four keys for the purpose of further decreasing possibility of an erroneous operation (see Asari, col. 1,lines 55-59).

8. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo and Boling, in view of Kienberger, U.S. Patent No. 5,467,387.

Regarding claims 10 and 17, the combination of Curatolo and Boling disclose the device of claims 7 and 14, respectively, but fails to disclose a plurality of navigation buttons, wherein the device is programmed to effectuate the predetermined communications connection when a combination of the navigation buttons and the input keys is depressed simultaneously.

In a similar field of endeavor, Kienberger provides of evidence of using navigation buttons and a numerical key to activate a subscriber performance feature (col. 2, lines 37-45).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Curatolo and Boling to include simultaneous depression of navigation buttons and the input keys to effectuate a predetermined communication to further reduce false

alarms, that is, if one button depression is required there may be more false alarms.

9. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo and Boling, in view of Nilsson et al. (.'Nilsson"), U.S. Patent No. 6,332,073.

Regarding claims 9 and 16, the combination of Boling and Curatolo disclose the device of claims 7 and 14, respectively. The combination fails to explicitly disclose wherein the device calls the emergency service by dialing 1-1-2.

In a similar field of endeavor, Nilsson suggests dialing "1-1-2", for emergency service (col. 1 , lines 15-17).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include emergency dialing to "1-1-2", if the user/mobile unit were in Sweden where the string is customary.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curatolo and Boling, in view of Shaanan et al., U.S. Patent No. 6,332,084, previously used.

Regarding claim 22, the combination of Curatolo and Boling discloses the handheld computer of claim 21 . The combination fails to disclose, wherein the handheld computer does not include a mechanical telephone keypad.

In a similar field of endeavor, Shaanane discloses wherein the handheld

computer does not include a mechanical telephone keypad (i.e., reads on touch screen is programmed to display a soft version of a conventional hard keypad) (col. 2, lines 21-29).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination of Curatolo and Boling to include a non-mechanical keypad for the purpose of providing a lighter weight mobile device, e.g., PDA.

11. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling, in view of Curalto, previously used.

Regarding claims 25-29, Boling discloses a computing device comprising:

a processor supported by the housing (page 4 [0044] and see Fig. 6);

a wireless telephony device coupled to the processor (page 1 [0012 and see Fig. 6);

at least one input key; wherein the computing device is configured to effectuate a predetermined communications connection with an emergency service when a user depresses a single input key for a predetermined period of time (reads on any instant in time) (and wherein communications are effectuated when the state of any software operating on the device) is powered on and off (and a non-communications mode or a communications mode) (see page 1 [0013] and page 2 [0027]).

Boling fails to explicitly disclose a display having a graphical user interface coupled to the processor.

However, Curatolo disclose a display having a graphical user interface coupled to the processor (reads signaling unit securely attached or incorporated within or

embedded into a material asses or personal asset, such as a laptop or notebook computer or PDA or pocket PC, or cellular phone, see page 3 [0040] and page 4 [0051]).

At the time of the invention it would have been obvious to one of ordinal skill in the art to modify Boling to include a display having a graphical user interface coupled to the processor since Boling is a cellular phone, for the purpose of allowing user interface capabilities in the phone itself instead of connecting such palm-top or lap-top computer to the interface port suggested by Boling (see page 7 [0078]).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC